



Rhode Island Department of Labor and Training

Digest of Labor Laws



**A Guide to
Rhode Island's
Labor Laws**

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RHODE ISLAND

DIGEST OF

LABOR LAWS

PREFACE

The RI Department of Labor and Training's "Digest of Labor Laws" includes brief descriptions of the various divisions of the department, duties under the law, and legal citations. The citations are generally found at the end of the section that they cover and are set off by parentheses.

PLEASE NOTE: THE CONTENTS OF THIS DIGEST ARE SUBJECT TO CHANGE WITH THE ENACTMENT OF LEGISLATION.

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DIRECTOR'S OFFICE

Advisory Service

An important duty and objective of the Office of the Director is fostering good relations between management and workers. The staff is prepared to answer questions pertaining to labor laws and will be pleased to discuss and explain policies which have proven most effective in improving worker morale and in eliminating management/labor friction.

Mediation and Conciliation

Mediation and Conciliation are voluntary. State legislative provisions require the Director of Labor and Training to do everything in his/her power to promote voluntary mediation and conciliation of labor controversies. (G.L.28-10-1)

If the bargaining agent for school teachers and the school committee of any city or town are unable to reach an agreement on a contract within ten (10) days of the scheduled close of school in June of the last year of the contract in effect then any and all unresolved issues shall be submitted to the Director of Labor and Training for compulsory mediation. (G.L.28-9.3)

Advertising for Employees During Strikes, Lockouts, or Other Labor Disputes

Employers shall state in such advertisement or oral or written solicitation that a strike, lockout, or other labor dispute exists and that the employment offered is to replace employees involved in the strike or lockout.

Notice of the existence of a labor dispute shall be of equal prominence with any other matter in said advertisement. Penalty for violation—a fine of not more than five hundred dollars (\$500) for each person recruited, supplied, procured, referred, or employed, or imprisonment for not more than one (1) year, or both. (G.L.28-10-13)

Use of Strikebreakers is Illegal

It is unlawful for any person, partnership, agency, firm or corporation, or for its officers or agents, to knowingly recruit, procure, supply or refer any person who customarily and repeatedly offers himself for employment in the place of an employee involved in a strike or lockout (commonly known as a strikebreaker) to replace the employee who is involved in the strike or lockout where such person, partnership, or other entity is not directly interested in the strike or lockout. (G.L.28-10-11)

Jury Duty

If an employee is called to serve on jury duty, his/her employer, in the absence of a contract or collective bargaining agreement to the contrary, is not obligated under Rhode Island law to pay any wages during the time spent on jury duty. However, the employee shall not suffer the loss of said employee's position, wage increases, promotions, longevity benefit or any other emolument due to the employer-employee relationship because said employee has been called to serve jury duty. (G.L.9-9-28)

Preventing People from Working

Use of force, violence, threats, or intimidation to prevent persons from taking and pursuing employment is subject to penalty. (G.L.28-7-13)

Veterans' Reemployment Rights

Veterans returning to jobs they held before entering the service have reemployment rights, which are protected by law. These rights could be summarized as guaranteeing the veteran the same status he/she would have enjoyed had he/she remained on the job.

Within 40 days after honorable discharge (Federal Law allows 90 days) a veteran shall be entitled to reinstatement to his/her former employment, or a position of like seniority, status, and pay if the employee is still qualified to perform the duties of such a position. Veterans' reemployment rights also include step increases, salary increases, and pension rights which he/she would have received had he/she not gone into the service. (G.L.30-21-1)

Under Rhode Island law, you may not discriminate against a Reservist or member of the National Guard. (G.L.30-11)

Rights of Municipal Employees

G.L. 28-9.4 gives municipal employees the right to organize and bargain collectively, but denies them the right to strike.

Rights of Police Officers and Firefighters

G.L. 28-9.1 gives full-time police officers from the rank of patrolman up to and including the rank of chief, including policewomen, all the rights of labor, other than the right to strike or engage in any work stoppage or slowdown.

G.L. 28-9.2 gives permanent uniformed members, rescue service personnel, emergency medical services personnel, fire dispatchers, and all employees with the exception of fire chiefs of any paid fire department all the rights of labor, other than the right to strike or engage in any work stoppage or slowdown

Rights of School Teachers

G.L. 28-9.3 gives certified teaching personnel, certified support personnel, physical therapists/occupational therapists the right to bargain collectively with local school authorities, but does not accord them the right to strike.

Rights of State Employees

G.L. 36-11-2 gives state employees, except for casual or seasonal employees, the right to organize and bargain collectively, but denies them the right to strike.

Conciliation, fact finding and binding arbitration of unresolved contractual impasses is provided for state employees by 36-11-8. The Labor Relations Board has the duty to assign a conciliator who shall make written findings of fact and recommendations. If said recommendations are not accepted by both parties, then either party may request arbitration. The decision of the arbitrator shall be binding on all issues except wages.

G.L. 36-11-2 requires employees not joining the union to pay to the exclusive employee organization a service charge as a contribution toward the negotiation and administration of any collective bargaining agreement in an amount equal to the regular biweekly membership dues of the organization.

Rights of State Police

G.L. 28-9.5 gives full-time state police from the rank of trooper up to and including the rank of sergeant the right to organize and bargain collectively, but denies them the right to strike.

Rights Of 911 Employees

G.L. 28-9.6 gives 911 employees the right to organize and bargain collectively, but denies them the right to strike.

DIVISION OF LABOR STANDARDS

Minimum Wage

The minimum wage for all workers 16 years of age and older:

7/1/99
\$5.65 per hour

9/1/00
\$6.15 per hour

Exceptions

- 1.) Full-time students under 19 years of age working in nonprofit religious, educational, librarial, or community service organizations:

7/1/99
\$5.085 per hour
(90% of applicable minimum)

9/1/00
\$5.535 per hour
(90% of applicable minimum)

- 2.) 14 and 15 year olds who do not work more than 24 hours in a week. (For any week in which a 14 or 15 year old works more than 24 hours the higher applicable minimum rate must be paid for all hours worked in that week.)

7/1/99
\$4.2375 per hour
(75% of applicable minimum)

9/1/00
\$4.6125 per hour
(75% of applicable minimum)

- 3.) Workers employed in: domestic service in or about a private home, Federal service, voluntary service in educational, charitable, religious or nonprofit organizations where employer/employee relationships do not exist, newspaper carriers on home delivery, shoe shine persons, caddies on golf courses, ushers in theaters, traveling or outside sales occupations.

Also: Service performed by an individual employed by son or daughter, or minor child employed by parent. Occupations in resort establishments serving meals to the general public that are not open more than six (6) months during the year-between May 1 and October 1 only - and any individual employed by an organized camp having a structured program including but not limited to recreation, education and religion, or any combination thereof. Such an individual must not be employed by the organization on an annual full-time basis and such a camp must not operate for more than seven (7) months in any calendar year. This exemption does not apply to employees of trailer camps. (G.L.28-12)

Overtime

All employees must be paid time and one-half the worker's regular rate for all hours in excess of forty (40) in one week. Workers paid bi-weekly must be compensated at time and one-half the employee's regular rate for all hours worked beyond forty (40) in any one workweek.

Provided, however, in any workweek in which an employee of a retail business is employed on a Sunday and/or holiday at a rate of one and one-half (1 1/2) times the regular rate at which he or she is employed as provided in Section 5-23-2 the hours worked on such Sunday and/or holiday shall be excluded from the calculation of overtime pay as required by this section.

Exceptions of Overtime

28-12-4.3. Exemptions - (a) The provisions of section 28-12-4.1 and 28-12-4.2 above shall not apply to the following employees:

- 1) Any employee of a summer camp when it is open no more than six (6) months of the year.
- 2) Police Officers, Firefighters, and rescue service personnel employed by the cities and towns.
- 3) Employees of the state or political subdivision of the state may elect through a collective bargaining agreement, memorandum of understanding or any other agreement between the employer and representatives of the employees, or if the employees are not represented by an exclusive bargaining agent, through an

agreement or understanding arrived at between the employer and the employee prior to the performance of work, to receive compensatory time off for hours worked in excess of forty (40) in a week, provided that the compensatory hours shall at least equal one and one-half (1 1/2) times the hours worked over forty (40) in a week. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time of payment. At time of termination unused accrued compensatory time shall be paid at a rate not less than:

- A) the average regular rate received by the employee during the last three (3) years of the employee's employment, or
 - B) the final regular rate received by such employee whichever is higher.
- 4) Any employee employed in a bona fide executive, administrative, or professional capacity, as defined by the Fair Labor Standards Act of 1938, as now or hereafter amended, compensated for services on a salary basis of not less than two hundred dollars (\$200) per week.
 - 5) Any employee, as defined in subsection (4) above unless the wages of said employee, if computed on an hourly basis, would violate the applicable minimum wage law.
 - 6) Any salaried employee of a nonprofit national voluntary health agency who may elect to receive compensatory time off for hours worked in excess of forty (40) hours per week.
 - 7) Any employee, including drivers, driver's helpers, mechanics, and loaders of any motor carrier, including private carriers, with respect to whom the U.S. Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. Section 3102.
 - 8) Any employee who is a salesperson, partsperson, or mechanic primarily engaged in the sale and/or servicing automobiles, trucks or farm implements, and is employed by a non-manufacturing employer primarily engaged in the business of selling such vehicles or farm implements to ultimate purchasers, to the extent that said employers are exempt under the Federal Wage-Hour and Equal Pay Act, Title 29, U.S.C. section 201 et seq. and Title 29 U.S.C. section 213 (b) (10); provided that the employee's weekly, bi-weekly or monthly actual earnings exceed an amount equal to the employee's basic contractual hourly rate of pay times the number of hours actually worked plus the employee's basic contractual hourly rate of pay times one-half the number of hours actually worked in excess of forty (40) hours per week.
 - 9) Any employee employed in agriculture, however, the exemption shall apply to all agricultural enterprises which produce greenhouse crops, fruit and vegetable crops, herbaceous crops, sod crops, viticulture, viniculture, floriculture, feed for livestock, furbearing animals, poultry and eggs, bees and honey and mushrooms.
 - (b) Provided, nothing herein shall exempt any employee who under applicable federal law is entitled to overtime pay or benefits related thereto.

Minimum Daily Hours

An employer in any industry who requests or permits any employee to report for duty at the beginning of a work shift and three (3) hours work are not furnished on that shift, the employer must pay the employee for three (3) hours work at the employee's regular rate of pay. In the event that an employee reports for work at the beginning of a work shift and the employer offers no work to perform the employer must still pay the employee for three (3) hours at the employee's regular rate of pay.

An employer must schedule at least three (3) hours of work; however, if an employee voluntarily reports late or voluntarily leaves before completing three (3) hours of work, the employer may pay the employee for actual hours of work, provided time records indicate the reason for not working a minimum of three (3) hours. (G.L.28-12-3.2)

Work on Sundays and Holidays

Work performed on Sundays and holidays must be paid at the rate of time and one-half unless qualified as an exception under G.L. 25-3. Employees cannot be discharged or penalized for refusing to work on any Sunday or holiday, unless they are employed by a manufacturer which operates for seven (7) continuous days per week.

Legal Holidays

“Holidays” shall mean Sunday; New Year’s Day, January 1; Memorial Day, last Monday in May; Independence Day, July 4; Victory Day, second Monday in August; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day (by proclamation of the Governor), fourth Thursday in November; and Christmas Day, December 25. Whenever a holiday falls on a Sunday, the day following is the celebrated holiday.

Retail Selling

The town council of any town shall grant licenses for the sale by retail establishments at any places in that town or city designated in those licenses, on the first day of the week, commonly called Sunday, and on holidays enumerated in section 5-23-1. However, no license shall be issued on December 25 of any year or on that holiday known as Thanksgiving day, except to: a) pharmacies licensed under chapter 19 of title 5 with a licensed pharmacist who is employed by the pharmacy and available on the premises to provide pharmaceutical services during all hours of the pharmacy's operation on said days; (b) retail establishments which principally sell food products as defined in section 44-18-30(J) and which employ fewer than six (6) employees per shift at any one location; (c) retail establishments principally engaged in the sale of cut flowers, floral products, plants, shrubs, trees, fertilizers, seeds, bulbs and garden accessories; (d) retail establishments principally engaged in the sale and/or rental of video cassette tapes; and (e) retail establishments principally engaged in the preparation and/or sale of bakery products.

Retail establishments licensed pursuant to this section may be permitted to open for business on Sundays between the hours of twelve o'clock (12:00) noon and six o'clock (6:00) p.m., except that pharmacies licensed under chapter 19 of this title, retail establishments which principally sell food products as defined in section 44-18-30(J), and retail establishments engaged in the sale of pools and pool supplies for the period beginning on March 1st and ending on November 30 may be open during their normal working hours. Retail establishments licensed pursuant to this section may be permitted to open for business during holidays on their normal business working hours. The city of Newport and the towns of Westerly, Cumberland and Glocester each may, by ordinance, authorize the retail establishments within their respective jurisdiction which are licensed pursuant to this section to remain open for business on Sundays between the hours of nine o'clock (9:00) a.m. and ten o'clock (10:00) p.m. or any portion thereof.

The town of New Shoreham may, by ordinance, authorize the retail establishments within its jurisdiction which are licensed pursuant to this section to remain open for business on Sundays as set by the ordinance.

Retail establishments licensed pursuant to this section shall be exempt from the provisions of Chapter 40 of Title 11, entitled “Sunday Laws”, and Chapter 1 of Title 25, entitled “Holidays and Days of Special Observance”, and those establishments may sell any and all items sold in the ordinary course of business with the exception of alcoholic beverages.

All retail establishments may sell any and all items sold in the ordinary course of business with the exception of alcoholic beverages after obtaining a license on those Sundays between Thanksgiving day and Christmas between the hours of ten o'clock (10:00) a.m. and seven o'clock (7:00) p.m.

Retail establishments engaged in the sale of cut flowers, floral products, plants, shrubs, trees, fertilizer, seeds, bulbs and gardening accessories, metal goods, locks, tools, and cutlery, including any concession operated by or on the premises of a larger establishment, shall be licensed, prior to the sale thereof, in accordance with this section, provided, however, that the hours of operation on Sundays or holidays shall be between the hours of nine o'clock (9:00) a.m. and six o'clock (6:00) p.m.

Retail establishments engaged primarily in the sale and/or rental of video cassette tapes shall be licensed in accordance with this section, provided, however, that the hours of operation on Sundays and holidays may be between the hours of ten o'clock (10:00) a.m. and ten o'clock (10:00) p.m.

All employees engaged in work during Sundays or holidays pursuant to the provisions of this section shall receive from their employer no less than time and one-half for the work so performed and shall be guaranteed at least a minimum of four (4) hours employment; except those employees referred to in section 28-12-4.3(a)(4), provided that the work so performed by the employee shall be strictly voluntary and refusal to work for any retail establishment on a Sunday or holiday shall not be a ground for discrimination, dismissal or discharge or any other penalty upon the employee. The town council may fix and cause to be paid into the town treasury for each license issued pursuant to this section a fee not to exceed the sum of one hundred dollars (\$100) and may fix the time or times when the license granted shall terminate; provided however, that the town council shall not charge a licensing fee to any charitable, benevolent,

educational, philanthropic, humane, patriotic, social service, civic, fraternal, police, fire, labor or religious organization which is not operated for profit.

Retail establishments engaged principally in the preparation and/or sale of bakery products and pharmacies shall be licensed prior to the sale thereof in accordance with this section, provided however, that the time and one-half and voluntary work provisions shall not apply.

Retail establishments engaged in the sale of bait and recreational fishing products shall be licensed prior to the sale thereof in accordance with this section, provided, however, that the hours of operation on Sundays and holidays shall be between the hours of 5:00 a.m. and 8:00 p.m. or any portion thereof. (G.L.5-23-2)

Inspection of Records

Examiners of the Division of Labor Standards are authorized to investigate and ascertain the wages of persons employed in any occupation in this state; to enter and inspect the place of business or employment of employer in the state for the purpose of examining and inspecting any and all books, registers, payrolls, and other records of such employer that in any way relate to or have a bearing on the question of wages, hours, and other conditions of employment of any employees, and may question such employees for the purpose of ascertaining whether the provisions of the Minimum Wage Law and the orders and regulations issued thereunder have been and are being complied with.

Gratuities (Tips) and Gratuity Allowance

Gratuities shall mean voluntary monetary compensation received by the employee for services rendered.

An employee working in an occupation where it is customary to receive gratuities must be paid the stated minimum rates. However, in any week when the wages for such an employee are computed the employer may credit tips so received as part of the wages under the following conditions:

The amount of gratuities credited may not exceed 50% of the applicable minimum wage. From time to time the mandated employer's minimum contribution toward service employee's wages may exceed the amount required by the provisions of the Fair Labor Standards Act. Where there is coverage under both state and federal law the higher or more restrictive standard takes precedence.

Minimum Wage		Minimum Share	Maximum Tip Credit
7/1/99	\$5.65	\$2.89	\$2.76
9/1/00	\$6.15	\$2.89	\$3.26

The employer must have received and kept as part of permanent payroll records for that week a statement signed by the employee certifying the amount of gratuities, as credited, has been received.

Effective 7/1/99, gratuity allowance may be taken for buspersons in the same manner as waitstaff. The Director of Labor and Training will accept the following statement, when filled out and signed by the worker, as substantial evidence that the amount of gratuities claimed by the employer as part of the minimum wage was received by the employee. N.B.: The worker must fill in the amount of tips and sign. (File with payroll records)

The week of _____, I received \$_____ in gratuities

(tips) for _____ MONTH/DAY YEAR AMOUNT
_____ hours worked as an employee of _____
TOTAL HOURS EMPLOYER'S NAME

EMPLOYEE'S SIGNATURE

Workers signing for gratuities to be deducted from the minimum wage are entitled to a hearing in the Division of Labor Standards, if they so desire. (G.L.28-12-5)

Handicapped Workers

The Director of Labor and Training may issue a special license for the employment of a handicapped worker at wages lower than the minimum rate, based on the degree of the handicap to be determined by investigation in individual cases.

Application for such special license must be made by the employer in writing to the Assistant Administrator of Labor Standards. No worker whose earning capacity has been impaired may be paid less than the minimum wage until a handicapped worker's special license has been issued to the employer by the Director of Labor and Training. (G.L.28-12-9)

Wage and Hour Records

Every employer shall keep complete and accurate records for all employees as follows: Names, addresses, and ages of all workers, occupations, wage rates, hours worked each day and each week, wages paid each pay period. Such records must be kept on file for at least three (3) years after the entry of the record and must be open to inspection by the Department of Labor and Training at any reasonable time. Firms covered by the provisions of the Federal Fair Labor Standards Act are required to keep records on file for four (4) years from the date of entry. (G.L.28-14-12)

Wage Payment and Collection

All employers, including the state and its political subdivisions, shall establish a regular payday within nine (9) days from the end of the payroll period on which all wages shall be paid in full in cash or in checks on banks convertible into cash on demand at full face value.

Notice of any changes in a scheduled payday shall be given employees at least three (3) paydays in advance of the change.

On payday each employer shall furnish to each employee a pay envelope or other statement showing gross wages, net wages paid, hours worked, legal deductions made, an explanation of the basis or reason for such deduction, and, for employers engaged only in the commercial construction industry, a record of the employee's hourly regular rate of pay. As used in this subsection, the term commercial construction industry will include a business which engages in the doing of work or the furnishing of materials, or both, in the building, erection, alteration or preparation of an improvement on commercial real property.

The net wages of any employee may, with the consent of both the employee and the employer, be deposited directly into the employee's checking, savings or share account in a financial organization selected by the employee. Rhode Island law protects workers against nonpayment of wages and provides penalties for violations. The Director of Labor and Training is empowered to collect wages if claims are filed within three (3) years of the date earned. (G.L.28-14-20)

Deductions

Except for federal taxes, state taxes and social security charges, deductions from wages are not permitted, however, any employer granting his employee a loan or advance against future earnings or wages may deduct the same as a setoff or counterclaim only if evidenced by a statement in writing signed by said employee.

Deductions for alleged damage to employer's property or for rent due employer are specifically prohibited. Also barred are deductions connected with past or present indebtedness.

Deductions from an employee's wages for pension, welfare, vacation, health plan and annuity of life coverage are allowed without the employee's written permission, provided a collective bargaining agreement is in force.

Deductions for union dues, health care coverage, United Way, payroll savings, stock purchase, pension plan, or insurance are permitted with the written authorization of the employee. Deductions of premium for prepaid legal services are permitted with the written authorization of the employee. (G.L.28-14)

Whenever an employer shall provide for a payroll deduction for any purpose, the employer shall transfer those funds deducted to the appropriate person, agency, partnership or corporation entitled to the monies deducted, within twenty-one (21) days following the last day of the month in which the deduction is made, except, when the person, agency, partnership or corporation entitled to monies deducted permits otherwise in writing. (G.L.28-14-3.1)

Wages upon Separation

Whenever an employee is separated from the payroll, the unpaid wages or compensation of such employee shall become due on the next regular payday and payable at the usual place of payment.

Wages upon Separation as Vacation Pay

Whenever an employee is separated from the payroll of an employer, after completing at least one (1) year of service, any vacation pay accrued by collective bargaining, company policy or other agreement between employer and employee shall become wages and payable in full or on a prorated basis with all other due wages on the next regular payday for the employee.

Benefits as Wages

Whenever an employer separates an employee from the payroll as a result of said employer liquidating the business, merging the business, disposing the business or removing the business out of state, all wages become immediately due and payable within twenty-four (24) hours of the time of separation at the usual place of payment, additionally, if said employee has completed at least one (1) year of service with said employer, holiday pay, vacation pay in full or on a prorated basis and insurance benefits due such employee under a collective bargaining agreement, company policy or other agreement between said employer and employee shall be considered as unpaid wages due and payable within twenty-four (24) hours of the time of separation at the usual place of payment.

Attachments or Garnishments

Federal law defines wages that may be attached as disposable earnings, or those earnings left after payment of legal deductions for federal and state taxes. Only (a) 25% of disposable earnings or (b) the amount by which the disposable earnings exceed thirty (30) times the Federal minimum hourly wage may be garnished.

Employees who have been on relief are exempt from attachment for one (1) year after the debtor ceases receiving relief. An employee may not be discharged for more than one garnishment if made for the same debt. Wage garnishment exemption does not apply to court orders regarding alimony or child support. (G.L. 9-26-4)

CHILD LABOR - Employment of Minors

Under 14: No child under 14 years of age may be employed at any time in any capacity except in a private home or on a farm. (G.L.28-3)

Minors 14 and 15 years of age: Part-time and vacation employment in business and mercantile establishments is allowed only by permit from the local school department for minors 14 and 15 years of age. Such employment shall not take place during the hours when school is in session and shall not exceed eight (8) hours in any one day or forty (40) hours in any one week, and shall not take place before 6 A.M. nor after 7 P.M. (9 P.M. during school vacation). Federal law prohibits employment in excess of three (3) hours per day-on school days, or in excess of eighteen (18) hours per week-when school is in session. This more stringent standard must be adhered to whenever the establishment is covered by the provisions of the Fair Labor Standards Act. Minors under 16 are not permitted to work in factories, manufacturing, mechanical or processing establishments in any capacity at any time. (G.L.28-3-1, 28-3-11)

Any minor between the ages of 16 and 18 may be employed during school vacations without limitations as to the total hours to be worked in a given week or calendar day, provided the provisions of all other applicable federal and state laws and regulations are complied with.

Minors 16 and 17 years of age: Under a 1980 amendment 16 and 17 year old workers who have left school are no longer restricted by a curfew. However 16 and 17 year old students are not permitted to work between the hours of 11:30 P.M. and 6:00 A.M. the following day if that day is a school day. When no classes are scheduled, the curfew is extended to 1:30 A.M.

No minor, 16 or 17 years of age, shall work more than 48 hours in any one week, nor more than nine (9) hours in any one day, unless the 48 hours are worked in five (5) days. In which case the minor may work 9 3/5 hours per day.

There shall be an interval (or period of cessation of work) of not less than eight (8) hours between the ending of the period of work on one calendar day and the beginning of a period of work on the subsequent day. (G.L.28-3-11)

In addition to the state regulations for minors 16 and 17 years of age, Federal Wage and Hour Laws prohibit minors under 18 years of age from working in any hazardous occupations. Further information on Federal regulations is available from the U.S. Department of Labor, Employment Standards Administration, 380 Westminister Mall, Providence, R.I. 02903. (Telephone: (401) 528-4431)

Lunch Period

A meal period for all men, women and children of not less than twenty (20) minutes must be given at the end of not more than six (6) hours of work in a factory, workshop, mechanical or mercantile establishment.

Exceptions: Where work ends not later than 1:00 P.M. and workers leave for the day, they may work 6 1/2 hours without a meal period, and where work ends not later than 2:00 P.M. and workers leave for the day and are allowed to eat at their work, they may work 7 1/2 hours without a meal period. (G.L.28-3-14)

Industrial Homework

Rhode Island law provides for the strict control and gradual elimination of industrial homework. The Director of Labor and Training may issue licenses to employers in certain industries to distribute work or processing by homeworkers certified by the department. No homework licenses may be issued to industries which have not been susceptible to effective regulation.

Contract Shops

Contract shops servicing the jewelry industry may operate only under an annual permit issued through the Division of Labor Standards. The permit fee is one hundred twenty dollars (\$120) per year, renewable October 1, each year. No jewelry contract work may be processed except in a shop and location approved and registered with the division. No jewelry work may be processed in any home or part thereof. (G.L.28-18)

Parental and Family Medical Leave

The Rhode Island law is a parental and family leave statute that applies to all employers that employ fifty (50) or more employees. It states that every employee who has worked for his/her employer for at least twelve (12) months must be given up to thirteen (13) consecutive weeks of parental or family leave in any two (2) calendar years. The statute requires employees to give advance notice of up to thirty (30) days of the intended starting and ending dates, unless prevented from doing so by a medical emergency.

Under this law, an employee may take parental or family leave for one of three reasons: The birth of the employee's child; the adoption of a child 16 years of age or less by the employee; or serious illness of a family member or the employee him or herself. Upon expiration of the leave, the employee must either be restored to the position he or she previously held when the leave commenced, or to a position with like seniority, status, benefits, pay and other terms and conditions of employment; including fringe benefits and service credits that the employee had been entitled to at the commencement of the leave. The health insurance provisions in the law provide that an employer is obligated to continue the employee's health insurance benefits, but that the employee can be required to pay the premiums prior to his/her departure. If the employee returns, the employer is obligated to return the amounts paid within ten (10) days after the employee's return to employment.

An employee who has been employed by the same employer for twelve (12) consecutive months shall be entitled to a total of ten (10) hours of leave during any twelve (12) month period to attend school conferences or other school-related activities for a child of whom the employee is the parent, foster parent or guardian. The employee must provide a twenty-four (24) hour prior notice of the leave and make a reasonable effort to schedule the leave so as to not unduly disrupt the operation of the employer.

Relief of Injured and Deceased Firefighters and Police Officers

There exists in the RI Department of Labor and Training, a relief fund for dependents of firefighters and police officers who die of a job-related injury or illness. Widow/Widowers, as well as their children under 18 years of age and permanently disabled dependent children, are eligible to request an annuity, paid monthly, from this program.

Totally and permanently disabled police officers, firefighters and dependent children of deceased or totally and permanently disabled firefighters and police officers between 16 and 21 are eligible to apply, **each semester**, to the respective board for **tuition payment** if they plan on attending any Rhode Island state college, university, or community college.

Injured call and volunteer firefighters are eligible to apply for limited relief payments if they are injured in the line of duty. For further information on any of these programs, please contact the Department of Labor and Training or a member of the Board of Firemen's Relief or the Board of Policemen's Relief. (G.L. 45-19-10)

Lie Detector Tests Prohibited

No employer or agent of any employer shall require or subject any employee to any lie detector tests as a condition of employment or continued employment. (G.L.28-6.1-1)

Physical Examinations

Whenever any employer shall require a physical examination prior to employment, the cost of such examination shall be paid by the employer whether or not the prospective employee is hired. (G.L.28-6.2-1)

Genetic Testing

No employer, employment agency or licensing agency shall request, require or administer a genetic test to any person as a condition of employment, or affect the terms, conditions or privileges of employment or licensure or terminate the employment or licensure of any person who obtains a genetic test. No person may sell to or interpret for an employer, employment agency, or licensing agency a genetic test of a current or prospective employee or licensee. (G.L. 28-6.7-1)

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Safety Compliance Unit

The Division of Occupational Safety (Safety Compliance Unit) is charged with the responsibility of enforcing safety standards in the public sector. The public sector is defined as Municipalities, Cities and Towns, as well as State Agencies in the political subdivisions of the State.

Employer responsibilities—*Each employer shall furnish to each of his/her employees employment and a place of employment which are free from recognized safety and health hazards that are causing or are likely to cause death or serious physical harm to his/her employees.*

To ensure safety, this Division conducts annual inspections of all facilities in the Public Sector, and also conducts reinspection of said facilities to ensure compliance. Special emphasis on the training and education of good work habits for all public employees is essential. The Division sees to it that the employer acquires, maintains and requires use of safety equipment, personal protective equipment, and devices necessary to protect employees. Also that he/she keeps adequate records of all occupational injuries and illnesses for proper evaluation and necessary action in accordance with the advice of the Director of Labor and Training and the Director of Health. Also that he/she submits an annual report to the Director of Labor and Training with respect to such occupational accidents and illnesses. It is also the responsibility of the employer to establish and maintain an effective and comprehensive occupational safety and health program.

If, upon inspection of any facility, the Division believes that violations exist, a compliance order is issued to the employer. Each compliance order describes the nature of the violation and contains a reference to the provision of the law, code, rule, regulation or order alleged to have been violated. In addition, the compliance order fixes reasonable time for the abatement of violations. Penalties for non-compliance are as prescribed by law. All fatalities and accidents in the public sector are a priority for investigation when received in this office. (G.L.28-20-8;10)

Standards in School Buildings

In conjunction with the State Building Codes Standards Committee, the State Fire Marshal, and the State Health Department, the Department of Labor and Training makes inspections of all school buildings on an annual basis to determine whether private and public nursery, elementary, and secondary school buildings conform to the appropriate state laws and regulations and must certify to the superintendent of said schools that the schools do comply with these laws and regulations before schools may open each year. (G.L.16-21-3)

Code Commission for Occupational Safety and Health

There is within the RI Department of Labor and Training, a Code Commission for Occupational Safety and Health consisting of five members. Two represent industry, two represent labor, and one serves as chairperson of the Commission, representing the public.

This Commission has the power to make, amend, and repeal codes for the prevention of injuries or occupational diseases in every employment or place of employment.

The Code Commission has adopted the Occupational Safety and Health Standards Part 1904.1 through 1904.9 and 1904.14, Part 910 and Part 1926, Chapter XVII of Title 29 of the Occupational Safety and Health Act of 1970.

Copies may be obtained from the U.S. Dept. of Labor, Occupational Safety and Health Administration, 380 Westminister Mall, Providence, RI 02903. (Telephone (401) 528-4669). Questions on the standards relating to the public sector only, should be addressed to the Rhode Island Department of Labor and Training, Division of Occupational Safety, 1511 Pontiac Avenue, Cranston, RI 02920. (Telephone (401) 462-8580)

The Director of Labor and Training or the Administrator of the Division of Occupational Safety may grant requests for variations from the standard if the safety of the employee is not jeopardized. (G.L. 28-20-22)

Occupational Safety and Health Review Board

There exists an Occupational Safety and Health Review Board composed of three (3) members appointed by the Governor. The Board consists of one (1) qualified Occupational Safety professional, one (1) qualified Occupational Health professional, and a representative of the public. The review board shall conduct hearings pursuant to Chapter 35 of Title 42 in all cases involving contests of the decision of the Director. (G.L. 28-20-19)

Hazardous Substances; Right-to-Know

All employees have a right to know about the hazardous substances to which they may be exposed in the workplace. An employer who has any of the designated substances must make a list of these substances available to any employee who may be exposed to them.

The employer must also revise and update said list annually. In addition, the employer must obtain and make available to his/her employees Material Safety Data Sheets (MSDS) on each substance, train his/her employees annually on the proper use of said substances, and label, tag or mark all containers of toxic or hazardous substances with the identity of the designated substance and hazard warnings.

The employer shall pay an annual assessment of forty-two dollars (\$42). (G.L.28-21)

Community Right-to-Know

Any resident of the state shall have the right to make a reasonable request for a company's hazardous substance list and MSDS from the RI Department of Labor and Training. The Department may impose a fee on the resident for each employer request; not to exceed ten dollars (\$10) per request plus photocopying cost of the list and MSDS.

SARA Title III

Under the Superfund Amendments and Reauthorization Act of 1986, Title III provides for Emergency Planning and Community Right-to-Know. All businesses having hazardous substances in excess of quantities established under EPA guidelines must submit lists of these substances or MSDS to the State Emergency Response Commission, c/o the Rhode Island Department of Labor and Training, the local Emergency Planning Committee, and the local Fire District. The businesses must submit a chemical inventory form containing an estimate of the maximum amount of the hazardous substances present, estimate of the average daily amount present, and the location of the hazardous substance at the facility. Inventory forms must be submitted to all three agencies annually along with lists of any new substances added to the facility's inventory. Any inquiries can be addressed to the Division of Occupational Safety, 1511 Pontiac Avenue, Cranston, RI 02920.

Eye Protective Devices

Every student, teacher, and visitor participating in certain vocational industrial arts and chemical-physical courses is required to wear eye protective devices furnished by such school or college and approved by the Director of Labor and Training. Regulations and standards available on request. (G.L.16-21-15)

Inspections

Inspectors from the Division of Occupational Safety shall have the right of access at all reasonable times to conduct inspections and investigations as mandated by law. (G.L.28-20-12)

Boilers

Duly Authorized Inspectors shall inspect all boilers and pressure vessels within the State, except such as are specifically exempted under Section 28-25-18.

No boiler or pressure vessel shall be erected within this state unless it shall be constructed and equipped with safety devices in compliance with the standards and rules set forth in the ASME Boiler and Pressure Vessel Code; and any person erecting or installing any boiler or pressure vessel shall forthwith notify the Division, and said Administrator shall determine if such boiler complies with the requirements of this Chapter. Upon being so satisfied, the

Administrator, upon payment of fee, will issue a certificate. Any person erecting or installing a new or second-hand boiler or pressure vessel shall first make application for a permit to install at an established fee. Upon determining that such boiler or pressure vessel complies with the requirements of this chapter, the Administrator shall, upon payment of the required fee, furnish to the owner of such boiler or pressure vessel, a certificate.

It shall be mandatory that the organization performing the repair/alteration notify the Division of Occupational Safety (Boiler Unit) or an Authorized Inspector before initiating any alterations or welded repairs to any boiler or pressure vessel within the state. Upon completion of the alteration or welded repair, a properly executed alteration or welded repair form as outlined in the NBIC (National Board Inspection Code) shall be filed with the Division.

The state adopts the ASME Boiler and Pressure Vessel Code for new construction and the National Board Inspection Code for repairs and alterations to boilers and pressure vessels. It is mandatory that all repair contractors hold the appropriate ASME Certificate of Authorization or a valid National Board "R" (repair), "VR" (safety valve repair), or "NR" (nuclear repair) symbol stamps issued by the National Board of Boiler and Pressure Vessel Inspectors as applicable.

Boiler Inspection Fee Schedule:

State Inspection of High Pressure Boilers — Internal Inspections \$96.00 — \$240.00 per boiler according to size.

External Inspections \$30.00 — \$60.00 per boiler according to size.

State Inspection of Low Pressure Boilers — \$60.00 - \$120.00 per boiler according to construction.

State Inspection of Unfired Pressure Vessels — \$30.00 per vessel per year.

Authorized Insurance Inspection — \$60.00 per boiler or pressure vessel per year.

Installation of boiler or pressure vessel — \$120.00 for low pressure unit, \$300.00 for high pressure unit.

Elevators

Inspections of all elevators, dumbwaiters, escalators and other devices subject to the provisions of Chapter 23-33 of the General Laws of Rhode Island are made annually only by certified QEI-1 State Inspectors.

No elevator, dumbwaiter, escalator or other device subject to the provisions of Chapter 23-33 shall be erected within this state unless it shall be constructed and equipped as required by the ASME A17.1 SAFETY CODE FOR ELEVATORS AND ESCALATORS, the State Elevator Safety Code, the State Building Code, the State Fire Code or ASME B20.1 SAFETY STANDARD FOR CONVEYORS AND RELATED EQUIPMENT. No person shall erect, construct or install any such device without first submitting plans and specifications for approval by the Chief Elevator Inspector. Upon being satisfied that the installation complies with all code requirements and payment of the required fee, a permit to install will be issued prior to any work being initiated. All new construction, installation and maintenance, repair modernizations and service on existing equipment shall be performed only by licensed personnel employed by licensed companies.

No existing elevator, escalator or other device subject to the provisions of Rhode Island General Law 23-33 shall be relocated unless the said device is made to fully comply with the same requirements as a new installation.

The safety devices on all cable suspended elevators and on all escalators shall be tested by an authorized service company annually. Once every five (5) years the safety devices on cable suspended elevators shall be tested with full capacity and overspeed governors shall be recalibrated in the presence of an inspector. Upon approval of these inspections and tests, a Certificate of Operation is issued and the unit may be legally operated.

Compliance orders are issued for violations of the Rhode Island Elevator Safety Code, and a definite period of time for abatement is allotted.

All elevator incidents which result in personal injury or equipment damage must be reported to the Division of Occupational Safety, Elevator Unit, within 24 hours, with the exception of a fatality, which must be reported immediately. Investigations are conducted of all accidents to determine cause and institute corrective action if necessary.

Elevator Inspection Fee Schedule:

Inspection of elevator (any type) - \$120.00

Inspection of escalator - \$120.00

Inspection of dumbwaiter - \$72.00

Inspection of wheelchair lift (any type) - \$72.00

Inspection of reciprocating conveyor - \$72.00

Reinspections (elevators and escalators) - \$90.00

Reinspections (all other type of units) - \$54.00

Delinquent payment charge - \$25.00

Duplicate certificate charge - \$12.00

Authorized inspectors exam and annual renewal- \$60.00

Company license and annual renewal* - \$240.00

Apprentices/helper license -\$30.00
(Less than 3 years in trade)

Mechanic/Installer license and annual renewal - \$78.00

Mechanics Examination - \$60.00

All new installations/modernizations - 1% of Contract

City, town and state buildings are exempt from payment. Religious or charitable societies are exempt from payment when proof of exemption is made to this office.

MERCANTILE DIVISION

Coal and Coke

A license is required by the Rhode Island Department of Labor and Training, Mercantile Division, for wholesale or retail sale of coal or coke in a quantity of over one thousand pounds (1,000 lbs.). Licenses expire each year on November 30.

One main office and yard office license is \$48.00 annually; additional branch office licenses are \$24.00 annually. Inspectors regularly check for short-weight or unsatisfactory delivery. (G.L. 5-4-1)

Scales

All scales used in commercial transactions shall meet the requirements of the National Institute of Standards and Technology Handbook 44. Said scales shall be tested for compliance by a Certified Sealer of Weights and Measures before a scale can be placed into service. Owners of large capacity scales must have a Certified Sealer present when a service company is performing a calibration test if the owner requires an approval seal for the scale. Scales must be duly tried and sealed once every six (6) months. Sale of products from a scale which is not sealed is a violation of law.

A device equipped with a primary indicating element and used in retail trade, except a prepackaging, check-weighing, or prescription scale, shall be so positioned that its indications may be accurately read and the weighing or measuring operation may be observed from some reasonable "customer" position. The permissible distance between the equipment and a reasonable customer position shall be determined in each case upon the basis of the individual circumstances, particularly the size and character of the indicating element. Weight indication shall be shown on the customer's side of the computing scales when these are used for direct sales to retail customers.

Gasoline Measuring Devices

Gasoline measuring devices must meet the requirements of the National Institute of Standards and Technology Handbook 44 and be approved by a Certified Sealer of Weights and Measures before said devices can be placed into service. Devices must be tried and sealed as prescribed by law. Sale of gasoline from a device which is not sealed is a violation of law.

Precious Metals Sales

Companies involved in the buying or selling of precious metals, at retail, shall first be licensed by the Treasurer's Office and shall be required to have their scales sealed annually by the Certified Sealer of Weights and Measures of the Town/City where their business is located. An applicable fee shall be charged.

State Sealer

Duties - The Director of Labor and Training, as Sealer of Weights, Measures and Balances, shall have the custody and control of the standards received from the United States, and shall oversee the duties performed by the Town and City Sealers of Weights and Measures.

Said Sealers shall receive annual training and their equipment shall be tested and sealed at a recognized Metrology Laboratory.

The Director may test any weights, measures, instruments, or mechanical devices of any kind used in standardizing the production of any manufactured article or at the request of any law enforcement agency. (G.L.47-1-2)

Test Tank Trucks and Rack Meters

Every tank truck owner is required by law to have the compartments of his/her truck calibrated once every three (3) years and the meters thereon tested at least once a year by the Director of Labor and Training. The fee for testing compartments is 1.8 cents per gallon. Testing and sealing of vehicle truck meters is \$9.60; \$18.00 for testing and sealing of top loading rack meters; and \$24.00 for testing and sealing of bottom loading rack meters. Said testing shall be done on an annual basis as mandated by law. (G.L. 47-15-7)

Truth in Packaging

Any commodity when sold, offered or exposed for sale in containers must have the net weight, volume or count plainly marked in contrasting color on the main or principle label, as well as the name of the packer and trademark. This legislative Act also controls slack filled and deceptively shaped packages. (G.L.47-15-7)

Petroleum Dealers License

Any company involved in the delivery of #2 fuel oil shall be licensed by the Mercantile Division; said fee for license is one hundred dollars (\$120), to be renewed annually. (G.L.47-8-8)

DIVISION OF PROFESSIONAL REGULATION

The Division of Professional Regulation shall examine and license all applicants for licenses with the Board of Electricians, Board of Telecommunications Systems Contractors, Technicians, and Installers, Board of Hoisting Engineers and the Mechanical Board. The boards shall act in an advisory capacity to the division.

Board of Examiners, Electricians

No person, firm or corporation shall enter into, engage in, solicit, advertise, bid for, or work as an electrical contractor, electrical journeyperson or apprentice without a license issued by the Division of Professional Regulation in the RI Department of Labor and Training.

Electrical licenses are also required for Electrical Oilburner Contractors and Journeypersons, Fire Alarm Contractors and Journeypersons and Electric Sign Contractors and Journeypersons.

An indentured apprentice employed by a Licensed Electrical Contractor, working with and under the direct personal supervision of a Licensed Journeyman Electrician must register with the division annually. An apprentice, working with and under the direct personal supervision of a Licensed Oilburner Journeyman, a Licensed Fire Alarm Installer, or a Licensed Electric Sign Installer must register with the division annually.

The licenses issued are valid for one year. They are subject to renewal on the licensee's birthday.

CLASSIFICATION:	CERTIFICATE:	TEST FEE:	LICENSE FEE:	RENEWAL FEE:
Master Electrician	A	\$30	\$120	\$120
Electrical Corporation Journeyman	AC	NO TEST	100	100
Electrician	B	36	36	36
Limited Electrician	C	NO TEST	120	120
Master Oil Burner Electrician	E	36	120	120
Oil Burner Corporation Limited Maintenance	EC	NO TEST	100	100
Electrician	D	NO TEST	120	120
Journeyman				
Oil Burner Electrician	F	36	36	36
Electric Sign Contractor	SCF	36	120	120
Electrical Sign Installer	CF	36	36	36
Master Alarm Electrician	AF(Fire)	36	120	120
Fire Alarm Corporation Journeyman Alarm	AFC	NO TEST	100	100
Electrician	BF(Fire)	36	36	36
Apprentice	---	--	20	20

Persons or firms subject to exemption are listed in the Act. Penalties are provided for violations of regulations. Rules and regulations are promulgated by the division. Examinations are given by the division with the assistance of the Board of Examiners of Electricians. Certificates may not be assigned or transferred but, after a hearing, may be suspended or revoked. (G.L.5-6-2)

On and after January 1, 1997, no electrical contractor (Class "A") or electrical journeyman (Class "B") license shall be renewed unless the licensee has successfully completed at least fifteen (15) clock hours of continuing electrical education.

Board of Examiners, Hoisting Engineers

A board of examiners in the RI Department of Labor and Training is authorized and empowered to assist the Division of Professional Regulation to examine and license operators of machinery of 5 horse power or more, powered by steam, internal combustion engines, electric, or compressed air.

The division shall make rules and regulations for examining and licensing applicants.

The licenses issued are valid for one year. They are subject to renewal on applicant's birthday.

CLASSIFICATION:	CERTIFICATE:	TEST FEE:	LICENSE FEE:	RENEWAL FEE:
Full License	140	\$36	\$48	\$48
Crane Lattice/ Regular Crane	141	36	42	42
Hydraulic Cranes	142	36	42	42
Aerial Lift	143	36	42	42
Overhead Electric Crane	144	36	42	42
Conveyor Belt	145	36	42	42
Concrete Pump	146	36	42	42
Fork Lifts	147	36	42	42
Pay Loader/Back Hoe	207	36	36	36
Drilling Rig	208	36	36	36

LIMITED LICENSES:

Crane	101	36	30	30
Hydraulic Cranes	102	36	30	30
Overhead Electric Crane	103	36	30	30
Crane/Sign/Limited (installation and removal of sign/crane)	105	36	30	30
Pay Loader/Back Hoe	204	36	30	30
Pay Loader/Gradall	205	36	30	30
Drilling Equipment	206	36	30	30

Rules and regulations are promulgated by the division. Examinations are given by the division with the assistance of the Board of Examiners of Hoisting Engineers. Certificates may not be assigned or transferred but after a hearing, may be suspended or revoked.

Mechanical Board

No person, firm, or corporation shall be engaged or work as a contractor, journeyperson, apprentice, or advertise as such without a license and certificate issued by the Division of Professional Regulation in the RI Department of Labor and Training.

The licenses issued are valid for one year. All licenses are renewable on applicant's birthday.

CLASSIFICATION:	CERTIFICATE:	TEST FEE:	LICENSE FEE:	RENEWAL FEE:
Master Mechanical Contractor	MMA	NO TEST	\$240	\$240
Refrigeration - Master 1	RM1	\$36	120	120
Master 2	RM2	36	48	48

CLASSIFICATION:	CERTIFICATE:	TEST FEE:	LICENSE FEE:	RENEWAL FEE:
Pipefitter -				
Master 1	PM1	\$36	\$120	\$120
Master 2	PM2	36	48	48
Fire Protection -				
Sprinkler Fitters				
Master 1	SFM	36	120	120
Sheet Metal				
Master 1 & 2	SMM	36	120	120
Refrigeration -				
Journey person 1	RJ1	36	36	36
Journey person 2	RJ2	36	30	30
Pipefitter -				
Journey person 1	PJ1	36	36	36
Journey person 2	PJ2	36	30	30
Fire Protection -				
Sprinkler Fitters				
Journey person 1	SFJ	36	36	36
Fire Suppression -				
Journey person 2	LTD	36	30	30
Sheet Metal -				
Journey person 1	SMJ	36	36	36
Journey person 2	LTD	36	30	30
Welding -				
Journey person 2	LTD	36	30	30
Gas -				
Journey person 2	LTD	36	30	30
Oil Burner -				
Journey person 2	LTD	36	30	30
Oil Burner -				
Service person -				
Journey person 2	PJF-LTD	36	72	72
PJF/Gas				
Journey person 2	PJF-LTD	36	72	72
Gas Station -				
Journey person 2	LTD	36	30	30
Oil Burner				
Service person -				
Apprentice	PJF-AP	NO TEST	30	30
Apprentice -				
(Pipefitter,				
Refrigeration or	AP-P, AP-R			
Combination)	AP-C	NO TEST	24	24
Apprentice -				
Fire Protection				
Sprinkler Fitters	AP-S	NO TEST	24	24
Sheet Metal	AP-S	NO TEST	24	24

Rules and regulations are promulgated by the division. Examinations are given by the division with the assistance of the Mechanical Board. Certificates may not be assigned or transferred, but after a hearing, may be suspended or revoked.

Board of Examination & Licensing of Telecommunications Systems Contractors, Technicians, and Installers

Withstanding the exceptions contained in section 5-70-7 of the general laws of the State of Rhode Island - no person, firm or corporation shall engage in, or offer to design, install, alter, service or test telecommunications systems without a license issued by the Division of Professional Regulation in the RI Department of Labor and Training.

Telecommunications systems refers to any system involved in the sending and/or receiving at a distance of the following:

- **DATA COMMUNICATIONS** - use or operation of apparatus for transmission of digitized information between points with or without connecting wires.
- **TELEPHONY** - use or operation of apparatus for transmission of sounds and especially speech between points with or without connecting wires.
- **VIDEO COMMUNICATIONS** - use or operation of apparatus for transmission of image(s) between points reproduced through electrical or other means with or without connecting wires.
- **SOUND** - use or operation of apparatus for transmission of sounds and especially music and/or speech between points with or without connecting wires for broadcast or disbursement over an area.

The licenses are valid for one year. They are subject to renewal on the licensee's birthday.

CLASSIFICATION:	TEST FEE:	LICENSE FEE:	RENEWAL FEE:
Telecommunications Systems Contractor	\$36	\$120	\$120
Telecommunications Systems Technician	\$36	\$72	\$72
Telecommunications Systems Limited Installer	\$36	\$36	\$36
Telecommunications Systems Apprentice	n/a	\$24	\$24

Rules and regulations are promulgated by the board. Examinations are administered by the board with the assistance of the Division. Persons or firms subject to exemption are listed in RIGL 5-70-7. Penalties are provided for violations of RIGL 5-70; et seq.

Board of Examiners of Plumbers

No Person shall engage in the business of plumbing as a master plumber, or work as a journeyperson plumber or apprentice without a license issued by the Division of Professional Regulation in the RI Department of Labor & Training.

The licenses issued are valid for one year. They are subject to renewal on the licensee's birthday.

An apprentice shall be registered annually by the Department of Labor & Training. A person who continues to work as an apprentice shall be required to register annually as an apprentice and pay the applicable fee.

CLASSIFICATION:	TEST FEE:	LICENSE FEE:	RENEWAL FEE:
Contractor Master	\$36	\$120	\$120
Master Plumber	36	120	120
Journeyperson Plumber	36	36	36
Apprentice - Plumbing & Irrigation		20 (annually)	

Rules and regulations are promulgated by the division. Examinations are given by the division with the assistance of the Board of Examiners of Plumbers. Licenses may not be assigned or transferred, but after a hearing, may be revoked.

R.I. APPRENTICESHIP COUNCIL

Apprenticeship Training

The Apprenticeship Council appointed by the Director of Labor and Training, and approved by the Governor includes representation from both labor and management. An Apprenticeship Coordinator cooperates with representatives of the United States Bureau of Apprenticeship and Training. The Apprenticeship Coordinators are also the approving agents for veterans' training.

The new, revised apprenticeship law sets forth labor standards to safeguard the welfare of apprenticeship, and to extend the application of such standards by prescribing rules and regulations concerning the registration, termination and deregistration of apprenticeship programs and apprenticeship agreements and matters relating thereto.

Information and descriptive pamphlets are available at the RI Department of Labor and Training, 1511 Pontiac Avenue, Cranston, RI 02920. (G.L.28-45-1; et seq.)

Prevailing Wages on Public Works Contracts

Contractors awarded public works projects in excess of one thousand dollars (\$1000) must pay their employees the applicable prevailing rate of wages. Overtime provisions require employees to be compensated time and one-half the applicable prevailing wage rate for hours worked in excess of the regular eight hours in one day or in excess of the regular forty hours in one week. The Director of Labor and Training, in making a determination as to the appropriate prevailing wage rate may adopt the wage rate determinations made by the Secretary of Labor of the United States, in accordance with the Davis-Bacon Act. If a contractor willfully violates the law, he/she shall be ineligible to bid on another public works project for a period of up to (36) thirty-six months.

Each contractor awarded a contract for public works with a contract price in excess of one thousand dollars (\$1000) and each subcontractor who performs work on such public work must post in conspicuous places on the project, posters which contain the current prevailing rate of wages. (G.L.37-13)

DIVISION OF INJURED WORKER SERVICES

Workers' Compensation Administration

SUBJECT EMPLOYERS

Every person, firm, and private corporation, including any public service corporation, including the State, that employs employees is subject to the Workers' Compensation Act. {Employees do not include any partner, sole proprietor, or any person appointed a corporate officer between January 1, 1999 and December 31, 2001 who was not previously an employee unless that corporate officer has filed a notice pursuant to 28-29-19(b).} A city or town that votes to accept the Workers' Compensation Act will be considered an employer subject to all of the provisions.

EXEMPT EMPLOYERS include those employers who employ persons engaged in domestic service. Certain real estate persons are also exempt. An exempt employer may, however, elect to be subject to the law by filing with the Director of Labor and Training.

Agricultural employers are not subject to the Act unless they employ twenty-five (25) or more farm laborers or agricultural employees for thirteen (13) consecutive weeks. However, if an employer meets these numbers but maintains health and disability insurance for all its employees at premiums which exceed workers' compensation insurance they are exempt from the Act.

Any employer engaged in occupations, which the Director has declared hazardous, will be subject to the Act regardless of the number of employees.

ALL EMPLOYERS doing business in Rhode Island must disclose to all prospective employees at the time of application for employment either that the employer is subject to the provisions of the Workers' Compensation Act, or that they are exempt. If an employer is exempt, they must specify the type of exemption. All of this information must be included on the first page of any written employment application. If the employer does not have a written employment application, the information must be given in writing to the applicant.

Employer Note ~ Workers' compensation insurance may be purchased through any licensed insurance agent, broker, or insurance company offering this type of coverage. The Department of Labor and Training offers a self-insurance program which determines eligibility for a company to insure itself. Also, a business may be able to apply for insurance through an authorized group self-insurance fund with the Department of Business Regulation at (401) 222-2223.

LACK OF COVERAGE by any employer required to carry workers' compensation insurance subjects that company and its officers to a multitude of penalties, fines, criminal prosecution, and personal liability. Each day of noncompliance is a separate and distinct offense for the calculation of fines. Fines can be imposed of not less than \$500 per day and not more than \$1,000 per day of noncompliance. The company and its officers will also be responsible for the payment of any work-related claims following all requirements of the Workers' Compensation Act; also, the Director has the right to suspend the operation of business.

INFORMATION FOR WORKERS

When an employer is subject to the Workers' Compensation Act they are required to display a poster that highlights certain provisions of the Act. This poster must be placed in prominent places where the workers are employed. Refusal to display this poster will subject the employer to prosecution for a misdemeanor and, if convicted, may be penalized with a fine for each day of noncompliance.

To obtain copies of the *Workers' Compensation Poster*, call the Education Unit at (401) 462-8125 or make your request in writing to:

Workers' Compensation Posters
Education Unit
RI Department of Labor and Training
249 Blackstone Boulevard
Providence, RI 02906

REPORTS REQUIRED FROM EMPLOYERS

EMPLOYER'S FIRST REPORT OF INJURY - Every employer who is subject to the Act has a responsibility to report any injury sustained by an employee which has been described as work-related and which incapacitates the employee from earning full wages for at least three days or requires medical treatment, despite the period of incapacity. This report must be made to the Department of Labor and Training within **ten** days of the employer's first knowledge of the incident or occupational disease. If the injury is fatal the report must be made within 48 hours. (Filing this report is **not** an admission of liability.) A fine is provided by law for any employer who refuses or neglects to follow the reporting requirements.

Employer Note ~ Be sure to notify your Workers' Compensation Insurer or Adjuster, as well, with a copy of the *Employer's First Report of Injury*. Keep a copy for your files.

WAGE STATEMENT - A wage statement from the employer is required on every claim where the employee has been out more than three consecutive *calendar* days. This wage statement must be sent to the **insurance or adjusting company** (not the Department of Labor and Training) as soon as possible. There are four wage statements to choose from based on certain criteria.

Forms are available through your insurance or adjusting company or from the Department of Labor and Training. The Department also offers classes in the completion of forms. To schedule a class, please send your request to:

Forms Training

RI Department of Labor & Training, Division of Workers' Compensation
PO Box 20190
Cranston, RI 02920-0942

EMPLOYEE RIGHT TO REINSTATEMENT

Employers with more than nine employees are subject to the reinstatement provisions in the Workers' Compensation Act. A worker who sustained a compensable injury has the right to return to their former position, even if that position has been filled by a replacement. The employee must be able to perform the duties of the position with reasonable accommodations made by the employer. An employee must claim their right to reinstatement within ten (10) days from the date they are notified by mail that the treating physician has released them for work. If the position is unavailable the employee is entitled to be reinstated to any other vacant and suitable position. The right to reinstatement does not apply to:

- A worker hired on a temporary basis.
- A worker employed in a seasonal occupation.
- A worker who works out of a hiring hall operating pursuant to a collective bargaining agreement.
- A worker whose employer employs nine or fewer workers at the time of the worker's injury.
- A worker who is on a probationary period of less than 91 days.

Other conditions apply to the reinstatement provisions. For further information regarding Right to Reinstatement, please call the Education Unit at (401) 462-8125.

WORKERS' COMPENSATION ADMINISTRATIVE FUND

Each year insurance companies, self-insured employers, and group self-insureds are assessed an amount of money based on calculations set forth in the Workers' Compensation Act. This account, known as the Workers' Compensation Administrative Fund, finances a variety of operations within the Workers' Compensation System. Most of these operations provide services which are available to employers and employees free of charge, including:

THE DR. JOHN E. DONLEY REHABILITATION CENTER provides services exclusively for persons injured at work in Rhode Island. Following referral and acceptance into the facility the employee's needs are evaluated and a treatment program is designed. Services include:

- Comprehensive outpatient rehabilitative services; such as, case management, physical therapy; work hardening therapy; aquatic therapy; vocational services, and psychological counseling.
- Certification of rehabilitation providers who develop rehabilitation plans.
- Rehabilitation evaluations--An employer may petition the Workers' Compensation Court for an independent evaluation, to be performed at the Donley Center, of any injured employee's progress toward rehabilitation. After that review the Center will report to the court on the effectiveness of the present rehabilitative program that the employee is undertaking and the injured employee's ability to return to employment.

The Donley Center is located on Blackstone Boulevard in Providence with a Satellite facility at the University of Rhode Island in Kingston. To receive further information about the Rehabilitation Center services, please call (401) 243-1200.

THE EDUCATION UNIT is a nonregulatory Unit that does not issue citations or impose penalties. It is housed at the Donley Center and provides education services to employers and employees throughout the state. Services are free of charge and include:

- Establishing loss prevention programs.
- Designing occupational safety programs.
- Conducting onsite employer and employee training programs and safety walk-throughs.
- Video lending library containing a variety of health and safety issues.
- Seminars and workshops on health and safety.
- Seminars and workshops on workers' compensation issues.
- Informational telephone line.

This Unit is ready to work with employers and employees to develop training, seminars, or workshops designed to meet individual needs relating to health, safety, and workers' compensation issues. You can contact the Education Unit and the Information Line by calling (401) 462-8125.

THE WORKERS' COMPENSATION FRAUD PREVENTION UNIT investigates all participants in the workers' compensation system. Investigations in which criminal workers' compensation fraud is determined are prosecuted by the Attorney General's Office. This Unit is available to meet with interested parties to discuss such issues as fraud detection and investigation, fraud prevention, and criminal prosecution of workers' compensation fraud. Some examples of conditions that may lead to criminal fraud prosecution include:

- Intentional failure of an employee to report any earnings received while collecting workers' compensation
- False statements made to a physician regarding work activities during a claim.
- An employee's endorsement of a workers' compensation check, if they are not entitled to receive benefits.
- Misrepresentation by an employer of an employee's rate classification or payroll in order to secure workers' compensation insurance at a less than proper rate.

Confidential case referrals can be made by calling the Fraud Prevention Hotline at (401) 462-8110. Written referrals can be sent to PO Box 20190, Cranston, RI 02920-0942.

DLT FUNCTIONAL TELEPHONE DIRECTORY

DIVISION/SERVICE	PHONE #	FAX #	TDD#
Apprenticeship Training	462-8536	462-8537	462-8006
Benefit Accuracy Measurement	462-8610	462-8690	462-8613
Benefit Charge	462-8015	462-8514	
Board of Review	222-3533		
Business Affairs	462-8142	462-8145	
Career Resource Network	462-8790	462-8766	
Central Adjudication Unit	462-8300	462-8318	
Central Overpayment Unit	462-8010	462-8514	
Donley Center Rehabilitative Services - all offices	222-3994	222-3887	
Economic Development Corporation	222-2601	222-2102	
Employer Tax Unit	222-3696		
Executive Offices	462-8870	462-8872	
First Stop Business Information Center	222-2185		
Fraud, TDI or UI	222-4251		
General Information	462-8000		
Greater R.I. Workforce Development Board	222-2090	222-1476	
Human Resource Investment Council	462-8860	462-8865	
Job Bank 1-888-616-JOBS	462-8710	462-8722	
Labor Market Information	462-8740	462-8766	
Labor Relations Board	462-8830	462-8776	
Labor Standards	462-8550	462-8530	462-8006
Parental/Family Leave	462-8550		
Wages, Child Labor	462-8550		
Sunday/Holiday Premium Pay	462-8550		
Marketing/Communications	462-8810	462-8766	
Mediation and Conciliation Services	462-8870	462-8872	
Mercantile Division - Weights & Measures	462-8550	462-8530	462-8006
netWORKri Career Centers:			
Pawtucket	722-3100	728-1890	222-3450
Providence	462-8900	462-8947	462-8966
Wakefield	789-9721	789-9723	222-3450
Warren	245-9300	245-1706	245-0415
West Warwick	828-8382	826-8991	828-8927
Woonsocket	762-9010	762-9043	762-6020
Occupational Safety & Health (OSHA)	462-8580	462-8576	462-8006
Boiler Unit	462-8580		
Elevator Unit	462-8580		
Hazardous Substances	462-8580		
Mine Safety Unit	462-8580		
Right-to-Know Unit	462-8580		
SARA Title III	462-8580		
Statistics	462-8580		
Police Officers' and Firefighters' Relief	782-4497		
Prevailing Wage	462-8550	462-8528	462-8006

DLT FUNCTIONAL TELEPHONE DIRECTORY

DIVISION/SERVICE	PHONE #	FAX #	TDD#
Professional Regulation	462-8580	462-8528	462-8006
Apprenticeship Council	462-8536		
Electricians	462-8571		
Fire Protection/Sprinkler Fitters	462-8535		
Hoisting Engineers	462-8538		
Pipefitters/Refrigeration	462-8535		
Plumbers	462-8525		
Telecommunications	462-8533		
Providence/Cranston Workforce Development Board	861-0800	861-9650	
School-to-Career	462-8880	462-8865	
Temporary Disability Insurance (TDI)	462-8420	462-8466	462-8464
Unemployment Insurance			
Administration	462-8400	462-8413	
Benefit Accuracy Measurement	462-8610	462-8690	462-8613
Call Center	243-9100	462-8603	462-8613
Central Adjudication Unit	462-8300	462-8318	
Central Overpayment Unit	462-8010	462-8514	
Unemployment Insurance - Call Center	243-9100	462-8603	462-8613
Claims / Inquiry	243-9100		
Child Support	462-8005		
Combined Wage	462-8019	462-8602	
Employer Inquiries	243-9137		
JTPA/TRA	243-9166		
Mass Filing	243-9145		
Workshare	243-9177		
Veterans Services Program	462-8800	462-8798	
Work Opportunity Tax Credit (WOTC)	462-8800	462-8798	
Workers Compensation	462-8100	462-8105	462-8084
Education Unit	462-8125		
Investigative Unit	462-8110	462-8128	
Self Insurance Unit	462-8094	462-8095	
Workers' Compensation Admin. Fund	462-8101		
Workforce Development Services	462-8800	462-8818	
Dislocated Worker Unit / WARN	462-8800	462-8796	
Employer Service Unit	462-8710	462-8722	
Workforce Investment Office	462-8780	462-8787	
Workforce Regulation & Safety	462-8580	462-8524	462-8006



**Rhode Island
Department of Labor and Training
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